

purportedly conflict with those pending in 09/988,658. Applicant respectfully submits the following comments in traversal of the rejections and objections.

With regard to the obviousness type double patenting rejection, Applicant respectfully submits the following comments in traversal of the rejection. In the present application, substantial differences between images are emphasized. In application 09/988,658, substantial differences between images are emphasized, and then abnormal patterns are detected. The abnormal pattern detection described in the '658 application is neither disclosed nor suggested in the present application. Therefore, that the obviousness double patenting rejection does not apply.

In connection with the double-patenting rejection, the Examiner states that the scope of the claims are the same. Applicant respectfully submits that this is not an accurate assessment. The present claims are generally directed to image processing, which may include medical, manufacturing or other applications (see page 1). By contrast, claims of the '658 application specifically relate to anomalous shadow detection. The claims of the '658 application further recite a process for an "actual difference" determination, which is not expressed by the present claims. Therefore, the scope of the claims is clearly not the same.

With regard to the objection under 37 C.F.R. § 1.78(b), Applicant submits that the claims are not conflicting for the reasons set forth above. Therefore, Applicant submits that the Section 78 objection be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

RESPONSE UNDER 37 C.F.R. § 1.111  
Appln. No.: 09/800,773

Attorney Docket No.: Q61190

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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